

REMARKS

Claims 1-9 are all the claims pending in the application. By this Amendment, Applicants add new claim 9.

I. Improper Finality:

The Examiner indicates that the finality of the Office Action is appropriate because the July 10, 2002 claim amendments necessitated the new grounds of rejection. *Applicants respectfully disagree and assert that the finality of the September 24, 2002 Office Action is improper, and request withdrawal of the same.*

The July 10, 2002 amendments changed claim 1 by implementing a new means limitation (i.e., "means for directing airflow"). The Examiner responds by shifting the grounds of rejection to rely upon the combination of JP 51-66409 to Tomoyoshi ("Tomoyoshi") and Applicants' admitted prior art of Figs. 20+. These grounds of rejection are new at least because the Examiner had not previously applied the Tomoyoshi reference against the claims. Importantly, however, the Examiner does not rely upon the Tomoyoshi reference to teach the means limitation of claim 1; the Office Action even indicates that Tomoyoshi fails to show "means for directing airflow." Instead, the Examiner relies upon the Tomoyoshi reference to teach the exact same features that were previously alleged as being taught by three other references. In other words, the Examiner now alleges that all of the features recited in claim 1, except for the means

limitation, are met by a single reference (i.e., Tomoyoshi) rather than the three references that were previously applied.

Moreover, in the new grounds of rejection, the Examiner looks to Applicants' admitted prior art of Figs. 20+ as allegedly teaching the means limitation of claim 1. However, Applicants' admitted prior art was applied against the claims in the last Office Action.

At least in these respects, it is clear that the July 10, 2002 amendments did not necessitate (or force) the Examiner to rely upon the Tomoyoshi reference. Instead, it appears that the Examiner has reconsidered his previous combination of references and voluntarily decided to reformulate a rejection position that applies the Tomoyoshi reference for the first time.

II. Claim Rejections on Prior Art Grounds:

The Examiner rejects claims 1-3 and 5-7 under 35 U.S.C. § 103(a) as being obvious over JP 51-66409 to Tomoyoshi ("Tomoyoshi") in view of Applicants' admitted prior art; claim 4 under 35 U.S.C. § 103(a) as being obvious over Tomoyoshi and Applicants' admitted prior art, and further in view of U.S. 6,081,054 to Kashihara et al. ("Kashihara"); and claim 8 under 35 U.S.C. § 103(a) as being obvious over Tomoyoshi and Applicants' admitted prior art, and further in view of U.S. 5,955,810 to Umeda et al. ("Umeda"). Applicants respectfully traverse these rejections in view of the following remarks.

A. Independent Claim 1:

Applicants amend claim 1 to further define the function performed by the means set forth in claim 1. In particular, claim 1 recites (among other things) that the means are *for obstructing an air passage between said ventilation opening and said open portion to prevent an airflow from passing through said ventilation opening and directly through said open portion*. An exemplary embodiment of this feature is depicted in Figs. 8 and 11. For example, in the embodiment of Fig. 8, the claimed means is the partition wall 132. The partition wall 132 extends all the way to the cover 64b, thereby obstructing the air passage between the ventilation opening 66 and the open portion 50. In this way, the partition wall 132 prevents an airflow from passing through the ventilation opening 66 and directly through the open portion 50. Instead, the airflow must take a circuitous route toward the regulator 13 and the brushes 10. This claimed functionality is discussed in the specification (see p. 11, third full paragraph). With respect to the embodiment of Fig. 11, the claimed means is the partition wall 160a (see p. 11, fifth full paragraph).

The Examiner relies heavily upon the Tomoyoshi reference to teach all of the features of claim 1, except for the recited means for directing airflow, and therefore looks to Applicants' admitted prior art of Figs. 20+ to allegedly teach this feature. In particular, the Examiner compares the ventilation opening shown in Fig. 20 to the claimed means. This rejection position is not convincing for the following reasons.

Even if Tomoyoshi were modified by implementing a ventilation opening in the rear end of the case 4, an unobstructed air passage would remain between the ventilation opening and the open portion 14. That is, the combination would not include a partition (or any other element) that would prevent an airflow from passing through the ventilation opening and directly through the open portion 14. For these reasons, the Examiner is respectfully requested to reconsider and remove the raised obviousness rejection.

B. New Independent Claim 9:

Applicants add new claim 9. It defines (among other things) a cover covering a connection portion connecting holding assembly terminals of said brush holding assembly and brush terminals. An exemplary embodiment of this feature will be appreciated with reference to Figs. 1-3, in which the cover is designated with reference character 64b, the holding assembly terminals are designated with reference character 63, and the brush terminals are designated with reference character 62. As indicated in the present specification, this feature is important because foreign matter (e.g. water, etc.) is prevented from entering the case by means of the cover and the cap, as discussed in the present specification (see p. 9, l. 15-21).

Applicants respectfully assert that the prior art, especially the Tomoyoshi reference, is not relevant to claim 9. For example, Tomoyoshi does not disclose a cover that covers the specific portions of the device recited in claim 9. Instead, Figs. 1-3 of Tomoyoshi show that the brush

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appl. No. 09/993,623 (*Q67303*)

terminals 11 are fixed to the end of the stopping member 6 by screws 16, which is only covered by the cover 15.

For these reasons, Applicants respectfully assert that claims 1 and 9 are patentable, and that claims 2-8 are patentable at least by virtue of their dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appl. No. 09/993,623 (*Q67303*)

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Amended) An alternator comprising:

a case with a ventilation opening;

a shaft passing through said case;

a rotor secured to said shaft, said rotor including a rotor coil for generating a magnetic flux on passage of an electric current therethrough, and a plurality of claw-shaped magnetic poles extending in an axial direction and radially surrounding said rotor coil, said claw-shaped magnetic poles being magnetized into North and South poles by said magnetic flux;

a stator including a stator core provided with a plurality of slots formed so as to extend axially and be spaced circumferentially, and a stator winding mounted to said stator core;

slip rings secured to said shaft;

brushes, the ends of which slide on the slip rings, supplying electric current to said rotor coil through said slip rings from an electric power supply;

a brush holding assembly, said brush holding assembly holding said brushes within a holding portion and provided with a cover capable of being opened to remove said brushes; and

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appl. No. 09/993,623 (Q67303)

a cap for closing an open portion of said case for removal and insertion of said brushes, said open portion being formed at a position on said case facing said cover, one of said cap and said case including means for ~~directing~~ obstructing an air passage between said ventilation opening and said open portion to prevent an airflow in the vicinity of said brushes from passing through said ventilation opening and directly through said open portion.

5. (Amended) The alternator according to ~~Claims~~ Claim 3 wherein said means is a partition wall for making the ~~cooling air~~ airflow passing through said cooling plate take a circuitous route toward said brushes ~~is provided.~~

Claim 9 is added as a new claim.